



CITY OF ANNA AGENDA NOTICE – CITY COUNCIL SPECIAL MEETING

September 6, 2011 6:30 p.m. – Anna City Hall Administration Building

The City Council of the City of Anna will meet in Special Session at 6:30 p.m., September 6, 2011, at the Anna City Hall Administration Building, located at 111 North Powell Parkway (Hwy 5), to consider the following items.

Welcome to the City Council Meeting. Please sign the Sign-In-Sheet as a record of attendance. If you wish to speak on an open-session agenda item please fill out the Opinion/Speaker Registration Form and turn it in to the City Secretary before the meeting starts.

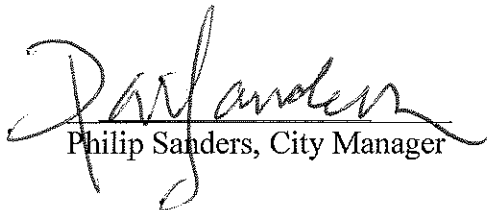
1. Call to Order.
2. Invocation and Pledge of Allegiance.
3. Consider/Discuss/Action regarding adopting an Ordinance approving and adopting the proposed City of Anna Fiscal Year 2011-2012 Budget for the City of Anna, Texas. (Philip Sanders)
4. Consider/Discuss/Action regarding adopting an Ordinance setting the ad valorem tax rate per \$100 valuation for Fiscal Year 2011-2012 for the City of Anna, Texas. (Philip Sanders)
5. Consider/Discuss/Action regarding a Resolution approving an Interlocal Agreement between the City of Anna and Collin County regarding the relocation of utilities on FM 455 (Philip Sanders)
6. Consider/Discuss/Action regarding an Ordinance ordering a special election to take place on November 8, 2011 to propose to qualified voters: (1) the sale of municipally-owned park property in exchange for property to be used for park purposes; and, (2) multiple amendments to the City of Anna, Texas Home-Rule Charter. (Philip Sanders)

1. The Council may vote and/or act upon each of the items listed in this agenda.
2. The Council reserves the right to retire into executive session concerning any of the items listed on this agenda, whenever it is considered necessary and legally justified under the Open Meeting Act.
3. Persons with a disability who want to attend this meeting who may need assistance should contact the City Secretary at 972 924-3325 two working days prior to the meeting so that appropriate arrangements can be made.

7. CLOSED SESSION (EXCEPTIONS): Under Tex. Gov't Code Chapter 551, the City Council may enter into closed session to discuss any items listed or referenced on this agenda under the following exceptions
- a. Personnel Matters: to deliberate the appointment, employment, evaluation, reassignment, duties, of a public officer or employee (Tex. Gov't Code §551.074); Crime Scene Technician.
 - b. Consult with legal counsel regarding pending or contemplated litigation and/or on matters in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with Chapter 551 of the Government Code (Tex. Gov't Code §551.071); *Powell v. City of Anna*, Cause No. 401-03815-2009 in the 401st District Court of Collin County, Texas
 - c. Deliberate the purchase, exchange, lease, or value of real property.

8. Adjourn.

This is to certify that I, Philip Sanders, City Manager, posted this agenda at a place readily accessible to the public at the Anna City Hall and on the City Hall bulletin board at or before 5:00 p.m., September 2, 2011.



Philip Sanders, City Manager

- 1. The Council may vote and/or act upon each of the items listed in this agenda.
- 2. The Council reserves the right to retire into executive session concerning any of the items listed on this agenda, whenever it is considered necessary and legally justified under the Open Meeting Act.
- 3. Persons with a disability who want to attend this meeting who may need assistance should contact the City Secretary at 972 924-3325 two working days prior to the meeting so that appropriate arrangements can be made.



City of Anna City Council Agenda Staff Report

Council Meeting: September 6, 2011

Staff Contact: Philip Sanders

Account Code #: _____

Budgeted Amount: _____

Exhibits: ☐ Yes ☐ No

AGENDA SUBJECT: Consider/Discuss/Action regarding adopting an Ordinance approving and adopting the proposed City of Anna Fiscal Year 2011-2012 Budget for the City of Anna, Texas..

SUMMARY: According to the recently released 2010 federal census, the City of Anna has grown nearly 600% over the past ten years and has been one of the most rapidly growing cities in Collin County. Since 2008, the growth of the national and local economy has slowed significantly. Uncertainty surrounding employment, housing prices, and our national economy continues to affect on our local economy here in Anna.

The most dramatic impact of this economic uncertainty can be observed in the continuing decline in local property values which has contributed to rising home foreclosures. This decline in property values has a direct and significant impact on the city's ability to fund the programs and infrastructure that it has invested so heavily in over the past decade. Over 60% of the city's General Fund revenue is derived from property taxes. Since 2008 the value of existing properties have declined an average of over 3% per year. That equates to a loss of over \$43 million in value based on a year to year comparison. Even with \$22 million in new buildings and property added to the tax roll since 2008, the value of the 2011 tax role is 5.5% lower than the 2008 tax roll.

In spite of these challenges, the city has been able to maintain its commitment to building a safe, sustainable, and connected community. Even with limited resources, the city of Anna continues to make modest improvements. In 2009 the city started the annual Street Improvement Program which funds a major street construction project each year. Last year the City budget included for the first time personnel for the Parks program and full year funding for the Anna Fire Department which became a City department in July of 2010. City officials continue to see steady growth in sales tax revenue which is a reflection of a strong local business climate.

As Anna continues to grow, the city remains committed to the Hometown ideal outlined in its Strategic Vision. The FY 2012 budget is designed to preserve the quality of existing services. It reflects a continuing commitment to improve the appearance and quality of community facilities, and a continuing investment in developing and maintaining a quality workforce.

The FY 2012 budget can be funded by adopting a tax rate of \$0.650332 cents per \$100 valuation which is identical to the tax rate adopted last year. The effective tax rate (which is a calculated

rate that would provide the City with about the same amount of revenue it received last year on properties taxed in both years) is \$0.669035. By adopting the same tax rate as last year, property taxes due on the average residential homestead will decline by \$20.39.

Since the proposed budget was presented in July, the following changes have been made based on discussions that occurred during our budget workshops:

1. The Economic Development Grant to Bloomfield properties expired on August 31, 2011. As a result, the grant expense in the Administration department has been reduced by \$40,000. In addition, sales tax revenue has also been reduced by \$40,000.
2. Expenses associated with the proposed payment kiosk (\$30,000) in the Utility Billing department have been removed from the budget. This \$30,000 has been added to the water meter maintenance account in the Water department to fund the purchase of additional auto-read water meters.
3. \$7,500 has been added to the Fire department budget to pay for the medical director contract expense. The medical director will allow the Fire department to offer some advanced life support services when responding to medical calls. \$7,500 in off-setting revenue has been added to the Fire department misc. revenue account to reflect the anticipated fees that will be collected from offering the advanced life support services.
4. The following grant funded projects have been added to the Capital Improvements Fund.
 - Slayter Creek Park, Phase II - \$1,000,000. This project will be funded by a grant from the Texas Department of Parks and Wildlife and a \$500,000 contribution from the Anna Community Development Corporation.
 - Slayter Creek Trail Extension - \$325,000. This project is expected to be funded by a grant from the Collin County Open Space Grant Program.
 - Highway 5 Waterline Extension - \$381,000. This project will be funded by the 2010 Texas Community Development Block Grant Program.
 - Active Shooter Response Program - \$79,000. This program will be funded by a State of Texas Justice Assistance Grant.

RECOMMENDATION: Staff recommends approval of the attached Annual Budget.

CITY OF ANNA, TEXAS

Ordinance No. _____

Ordinance Adopting the Budget For the 2011 - 2012 Fiscal Year

AN ORDINANCE MAKING APPROPRIATIONS FOR THE SUPPORT OF THE CITY OF ANNA FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2011 AND ENDING SEPTEMBER 30, 2012 AND ADOPTING THE ANNUAL BUDGET OF THE CITY OF ANNA FOR THE 2011 - 2012 FISCAL YEAR.

WHEREAS, the budget, appended here as Exhibit A, for the fiscal year beginning October 1, 2011 and ending September 30, 2012, was duly presented to the City Council by the City Manager and a public hearing was ordered by the City Council and a public notice of said hearing was caused to be given by the City Council and said notice was published in the McKinney Courier-Gazette and said public hearing was held according to said notice; now, therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ANNA THAT:

SECTION 1. The appropriations for the fiscal year beginning October 1, 2011, and ending September 30, 2012 for the support of the general government of the City of Anna, Texas, be fixed and determined for said terms in accordance with the expenditures shown in the City's fiscal year 2011 - 2012 budget, a copy of which is appended hereto as Exhibit A;

SECTION 2. The budget, as shown in words and figures in Exhibit A, is hereby approved in all respects and adopted as the City's budget for the fiscal year beginning October 1, 2011 and ending September 30, 2012.

SECTION 3. In addition to Exhibit A, and in accordance with Section 7.08 of the Anna City Charter, the budget also includes a contingency appropriation of \$100,890. All expenditures from this contingency appropriation shall be in accordance with Section 7.08 of the Anna City Charter.

PASSED AND APPROVED this, the 6th day of September, 2011.

Ayes _____ Nays _____ Abstained _____

ATTESTED:

APPROVED:

City Secretary, Natha Wilkison

Mayor, Darren R. Driskell



City of Anna City Council Agenda Staff Report

Council Meeting: September 6, 2011

Staff Contact: Philip Sanders

Account Code #: _____

Budgeted Amount: _____

Exhibits: ☐ Yes ☐ No

AGENDA SUBJECT: Consider/Discuss/Action regarding adopting an Ordinance setting the ad valorem tax rate per \$100 valuation for Fiscal Year 2011-2012 for the City of Anna, Texas.

SUMMARY: In spite of the loss of over \$10 million in value to existing properties, the proposed budget can be funded by adopting a tax rate of \$0.650332 cents per \$100 valuation which is identical to the tax rate adopted last year. The effective tax rate which is a calculated rate that would provide the City with about the same amount of revenue it received last year on properties taxed in both years is \$0.669035. By adopting the same tax rate as last year, property taxes due on the average residential homestead will decline by \$20.39. Of the total tax rate, \$0.559367 cents are dedicated to general fund maintenance and operations and \$0.090965 cents are dedicated to the payment of our debt obligations.

RECOMMENDATION: Staff recommends approval of the attached Ordinance which adopts a tax rate of \$0.650332 cents per \$100 valuation for the 2011-2012 fiscal year.

CITY OF ANNA, TEXAS

Ordinance No. _____

Ordinance Setting the Tax Rate for the Next Fiscal Year

AN ORDINANCE LEVYING PROPERTY TAXES FOR USE AND SUPPORT OF THE MUNICIPAL GOVERNMENT OF THE CITY OF ANNA FOR THE 2011-2012 FISCAL YEAR; PROVIDING FOR AN INTEREST AND SINKING FUND FOR ALL OUTSTANDING DEBT OF THE CITY OF ANNA; PROVIDING FOR APPORTIONING EACH LEVY FOR THE SPECIFIC PURPOSES; AND, PROVIDING WHEN TAXES SHALL BECOME DUE AND WHEN SAME SHALL BECOME DELINQUENT IF NOT PAID.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ANNA, TEXAS.

SECTION 1. That there is hereby levied and there shall be collected for the use and support of the municipal government of the City of Anna, and to provide an Interest and Sinking fund for the 2011-2012 fiscal year, upon all property, real, personal and mixed, within the corporate limits of said City subject to taxation, a tax of \$0.650332 on each \$100.00 valuation of property, said tax being so levied and apportioned to the specific purposes here set forth:

- a. For the maintenance and support of the general government (General Fund), \$0.559367 on each \$100.00 valuation of property.
- b. For the purpose of creating an Interest and Sinking fund to pay the interest and principal maturities of all outstanding debt of the City of Anna, not otherwise provided for, a tax of \$.090965 on each \$100 valuation of property.

SECTION 2. That taxes levied under ordinance shall be due October 1, 2011 and if not paid on or before January 31, 2012 shall immediately become delinquent.

SECTION 3. All taxes shall become a lien upon the property against which assessed, and the city assessor and collector of the City of Anna is hereby authorized and empowered to enforce the collection of such taxes according to the Constitution and laws of the State of Texas and ordinances of the City of Anna shall, by virtue of the tax rolls, fix and establish a lien by levying upon such property, whether real or personal, for the payment of said taxes, penalty and interest, and, the interest and penalty collected from such delinquent taxes shall be apportioned to the general funds of the City of Anna. All delinquent taxes shall bear interest from date of delinquency at the rate as prescribed by state law.

SECTION 4. THIS TAX RATE WILL RAISE MORE TAXES FOR MAINTENANCE AND OPERATIONS THAN LAST YEAR'S TAX RATE.

SECTION 5. That this ordinance shall take effect and be in force from and after its passage.

PASSED AND APPROVED by record roll call vote on this, the 6th day of September, 2011.

Ayes _____ Nays _____ Abstained _____

ATTESTED:

APPROVED:

City Secretary, Natha Wilkison

Mayor, Darren R. Driskell



City of Anna City Council Agenda Staff Report

Council Meeting: September 6, 2011

Staff Contact: Philip Sanders

Account Code #: _____

Budgeted Amount: _____

Exhibits: ☐ Yes ☐ No

AGENDA SUBJECT: Consider/Discuss/Action regarding a Resolution approving an Interlocal Agreement between the City of Anna and Collin County regarding the relocation of utilities on FM 455.

SUMMARY: Prior to the expansion of FM 455, the City will need to relocate any water and sewer lines that will interfere with the construction project. The project engineer estimates that the total cost of utility relocation will be about \$1.5 million. The engineer estimates that TxDOT will reimburse the City for over half of the estimated cost (\$1.1million), and the City will be responsible for the remainder of the project cost.

In the attached Interlocal Agreement Collin County would agree to fund up to one-half of the total project cost or \$800,000, which ever is less. The Agreement stipulates that the funding from the County will reduce the overall amount of money available for City roadway projects identified in the 2007 Collin County bond program. Specifically, the amount available for the construction of Mantua Road will be reduced by the final amount paid to the City for the FM 455 utility relocation project.

RECOMMENDATION: Staff recommends approval of the attached Resolution approving the Interlocal Agreement with Collin County.

CITY OF ANNA, TEXAS

RESOLUTION NO. _____

A RESOLUTION OF THE CITY OF ANNA, TEXAS APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF ANNA, TEXAS AND COLLIN COUNTY, TEXAS REGARDING THE RELOCATION OF UTILITIES ON FM 455

WHEREAS, the County of Collin, Texas ("County") and the City of Anna, Texas ("City") desire to enter into an agreement concerning relocation of utilities necessary for the expansion of FM 455 in the City of Anna, Collin County, Texas; and

WHEREAS, the Interlocal Cooperation Act, Texas Government Code Chapter 191 (the "Act") authorizes any local government to contract with one or more local governments to perform governmental functions and services under the terms of the Act; and

WHEREAS, the City and the County have determined that the improvements may be constructed most economically by implementing this agreement; and

WHEREAS, the City and the County find that this agreement will benefit the residents of the County by facilitating the expansion of FM 455 which will improve the mobility of all County residents; and

WHEREAS, this agreement will support and advance the mission of the Collin County Mobility Plan;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ANNA, TEXAS THAT:

Section 1. Recitals Incorporated

The recitals set forth above are incorporated herein for all purposes as if set forth in full.

Section 2. Approval of Agreement

The Council hereby approves the Agreement, attached hereto as EXHIBIT 1, incorporated herein for all purposes and authorizes the City Manager to execute same on its behalf.

PASSED AND APPROVED by the City Council of the City of Anna, Texas on this 6th day of September, 2011.

APPROVED:

ATTEST:

Darren R. Driskell, Mayor

City Secretary

**INTERLOCAL AGREEMENT
BETWEEN COLLIN COUNTY AND THE CITY OF ANNA
CONCERNING THE RELOCATION OF UTILITIES
FOR FM 455 FROM US 75 TO .75 MILES EAST OF SH5
2007 BOND PROJECT #07-00-12**

WHEREAS, the County of Collin, Texas ("County") and the City of Anna, Texas ("City") desire to enter into an agreement concerning relocation of city owned utilities necessary for the expansion of the TxDOT project FM 455 from US 75 to .75 miles east of SH 5; CSJ: 0816-04-044 in the City of Anna, Collin County, Texas; and

WHEREAS, the Interlocal Cooperation Act, Texas Government Code Chapter 791 (the "Act") authorizes any local government to contract with one or more local governments to perform governmental functions and services under the terms of the Act; and

WHEREAS, the City and the County have determined that the improvements may be constructed most economically by implementing this agreement; and

WHEREAS, the City and the County find that this agreement will benefit the residents of the County by facilitating the expansion of FM 455 from US 75 to .75 miles east of SH 5 which will improve the mobility of all County residents; and

WHEREAS, this agreement will support and advance the mission of the Collin County Mobility Plan;

WHEREAS, the city has asked to reallocate a portion of their 2007 Bond allocation from project 07-009; Mantua Rd from SH 5 to US in the amount of \$800,000 to fund this project;

NOW, THEREFORE, this agreement is made and entered into by the County and the City upon the mutual consideration stated herein.

WITNESSETH:

ARTICLE I.

The City shall contract with a qualified utility contractor to relocate City owned utilities necessary for the expansion of FM 455 from US 75 to .75 miles east of SH5 from a 2 lane rural roadway to 4 lane (ultimate 6 lane) divided urban roadway, said engineering services hereinafter called the "Project."

ARTICLE II.

The City shall provide the County with a copy of the executed Construction Contract for the construction services.

ARTICLE III.

The City estimates the total actual cost of the utility relocation to be \$1,600,000. The County agrees to fund a portion of the total cost of the relocation in an amount not to exceed \$800,000. The County shall remit funds for the utility relocation within thirty (30) days after the City executes a Construction Contract.

ARTICLE IV

Collin County's participation in funding the Utility relocation shall not exceed \$800,000 as indicated in Article III above. At the completion of the Project the City shall provide a final accounting of expenditures for the Project. If the actual cost of the Project is less than the estimated cost of \$1,600,000, the City shall reimburse the County so that the County will have only paid fifty percent (50%) of the actual cost of the Project.

ARTICLE V

The City and the County agree that the party paying for the performance of the governmental functions or services shall make those payments from current revenues. However, if payments are made over a term of years, the party making such payments may levy ad valorem taxes in an amount necessary to make the payments as they become due under Section 791.028 of the Act or may expend revenues otherwise legally available to the paying party to make such payments.

ARTICLE VI

INDEMNIFICATION. To the extent allowed by law, each party agrees to release, defend, indemnify, and hold harmless the other (and its officers, agents, and employees) from and against all claims or causes or action for injuries (including death), property damages (including loss of use), and any other losses, demands, suits, judgments, and costs, including reasonable attorneys' fees and expenses, in any way arising out of, related to, or resulting from its performance under this agreement, or caused by its negligent acts or omissions (or those of its respective officers, agents, employees, or any other third parties for whom it is legally responsible) in connection with performing this agreement.

ARTICLE VII

VENUE. The laws of the State of Texas shall govern the interpretation, validity, performance and enforcement of this agreement. The parties agree that this agreement is performable in Collin County, Texas and that exclusive venue shall lie in Collin County, Texas.

ARTICLE VIII

SEVERABILITY. The provisions of this agreement are severable. If any paragraph, section, subdivision, sentence, clause, or phrase of this agreement is for any reason held by a court of competent jurisdiction to be contrary to law or contrary to any rule or regulation having the force and effect of law, the remaining portions of the agreement shall be enforced as if the invalid provision had never been included.

ARTICLE IX

ENTIRE AGREEMENT. This agreement embodies the entire agreement between the parties and may only be modified in writing executed by both parties.

ARTICLE X

SUCCESSORS AND ASSIGNS. This agreement shall be binding upon the parties hereto, their successors, heirs, personal representatives and assigns. Neither party will assign or transfer an interest in this agreement without the written consent of the other party.

ARTICLE XI

IMMUNITY. It is expressly understood and agreed that, in the execution of this agreement, neither party waives, nor shall be deemed hereby to have waived any immunity or defense that would otherwise be available to it against claims arising in the exercise of governmental powers and functions. By entering into this agreement, the parties do not create any obligations, express or implied, other than those set forth herein, and this agreement shall not create any rights in parties not signatories hereto.

ARTICLE XII

TERM. This agreement shall be effective upon execution by both parties and shall continue in effect annually until completion of the Project.

ARTICLE XIII

The declarations, determinations and findings declared, made, and found in the preamble to this agreement are hereby adopted, restated and made part of the operative provisions hereof.

APPROVED AS TO FORM:

By: _____
Name: _____
Title: _____
Date: _____

ATTEST:

By: _____
Name: _____
Title: City Secretary
Date: _____

APPROVED AS TO FORM:

By: _____
Name: _____
Title: City Attorney
Date: _____

COUNTY OF COLLIN, TEXAS

By: _____
Name: _____
Title: County Judge
Date: _____
Executed on this ____ day of _____, 2011,
by the County of Collin, pursuant to
Commissioners' Court Order No. _____

CITY OF ANNA, TEXAS

By: _____
Name: Phillip Sanders
Title: City Manager
Date: _____
Executed on behalf of the City of Allen
pursuant to the City Council Resolution
No. _____



City of Anna City Council Agenda Staff Report

Council Meeting: September 6, 2011

Staff Contact: Philip Sanders

Account Code #: _____

Budgeted Amount: _____

Exhibits: ☐ Yes ☐ No

AGENDA SUBJECT: Consider/Discuss/Action regarding an Ordinance ordering a special election to take place on November 8, 2011 to propose to qualified voters: (1) the sale of municipally-owned park property in exchange for property to be used for park purposes; and, (2) multiple amendments to the City of Anna, Texas Home-Rule Charter.

SUMMARY: On September 23, 2010 the Charter Review Commission submitted its final report regarding recommended changes to the city's Home Rule Charter. The report includes seven specific recommendations to amend the City Charter. If the Council desires to submit any of the Commission's or its own recommendations to the voters for adoption, it must do so by approving an ordinance calling for an election on the proposed amendments. The next uniform election dated is November 8, 2011. In order for any charter amendments to appear on the November 8 ballot, Council would need to approve the attached ordinance and name the specific charter questions that it wishes to appear on the ballot.

The attached ordinance also includes a ballot proposal to exchange a portion of city park property on FM 455 for other property that would also be used for park purposes. State law requires that in most instances, property that is designated and used for park purposes may not be sold unless the sale is approved by a majority vote of the residents of the community.

RECOMMENDATION: The cost of conducting an election this November would be just over \$6,000. The Charter questions and the possible exchange of city park property could be delayed until May of 2012. In order to avoid the costs associated with conducting two elections in a single budget year, Staff recommends that the special election proposed by this ordinance be delayed until May of 2012.

Changes to the State's election laws have created some uncertainty regarding the cost of conducting elections in even numbered years. The following are options for the Council to consider regarding future municipal elections.

1. Continue to conduct municipal elections in May and hire Collin County to conduct the May 2012 election at an estimated cost of \$15,000.
2. Continue to conduct municipal elections in May and join with the Anna ISD to conduct the May 2012 election independent of the County. We believe the cost could be much less than what the County will charge, but we do not have firm numbers at this time.

3. Approve a Resolution prior to December 31, 2011 to change the uniform election date to November in which case the May 2012 election could be postponed until November of 2012.
4. Amend the Charter to conduct municipal elections in odd years only in which case, the County would be able to conduct the elections for about \$6,000. This could be achieved by either; changing the terms of Council seats to two years with all seats up for election every odd year; or changing the terms of Council seats or 4 years with one-half of the council seats up for election every odd year.

If the Council chooses to approve the attached Ordinance calling for a November 8, 2012 election, Staff has no objection to the inclusion of the proposed Charter amendments on the ballot with the exception of Section 8 which would allow persons who are not city residents but that live in the city's extra-territorial jurisdiction to serve on city boards, provided that the majority of members of each board are city residents. Staff recommends preserving charter language that retains to the extent possible the privilege of serving on city boards and commissions to residents of the city and does not recommend approval of Section 8 in the attached Ordinance. At the very least city residency should be required for all members of the Planning and Zoning Commission and Board of Adjustment whose decisions have a direct effect on other city residents.

Below is a summary of the eligibility requirements for boards and commissions in our comparison cities.

Celina – P&Z and Board of Adjustment members must be city residents. Parks and other Boards may be city residents or reside in the ETJ.

Prosper – P&Z and EDC members must be city residents. Board of Adjustment members must be city residents or reside in the ETJ. Parks Board must be city residents expect that no more than two members may reside in the ETJ or own a business located in the city.

Princeton – Members of all boards must be city residents

Melissa – P&Z members must be city residents (proposed Charter). Members of the Board of Adjustment, EDC, and CDC must be city residents per existing city policy.

Fairview – Members of all boards must be city residents

Royse City – P&Z members must be city residents

Little Elm – Charter requires P&Z and Board of Adjustment members to be town residents. Adopted policies require members of all other boards and commissions to be town residents.

Forney – Members of all boards mentioned by statute (P&Z, Board of Adjustment, EDC, CDC) must be city residents.

CITY OF ANNA, TEXAS

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF ANNA, TEXAS, ORDERING A SPECIAL ELECTION FOR THE NOVEMBER 8, 2011 UNIFORM ELECTION DATE TO: (1) PROPOSE TO VOTERS THE SALE OF PARK PROPERTY IN EXCHANGE FOR ADJACENT PROPERTY FOR USE AS PARK PROPERTY; (2) PROPOSE TO VOTERS CERTAIN AMENDMENTS TO THE CITY OF ANNA, TEXAS HOME-RULE CHARTER; AND (3) ESTABLISH THE PROCEDURE FOR THE SPECIAL ELECTION AND RELATED MATTERS; PROVIDING FOR SAVINGS, SEVERABILITY, AND REPEALING CLAUSES; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the City of Anna, Texas ("City"), a home-rule municipality, owns certain real property, approximately _____ acres in size, said real property having been designated for use as park property and part of Natural Springs Park; and

WHEREAS, the City Council of the City of Anna, Texas ("City Council") finds that a portion of said real property should be sold to an owner of adjacent real property in exchange for a portion of said owner's adjacent real property, which shall be designated for and used by the City as park property and part of Natural Springs Park as the property desired to be acquired by the City is better situated for park-related use than the portion of real property that the City desires to sell; and

WHEREAS, Texas Local Gov't Code § 253.001 allows a municipality to sell land owned, held or claimed as a park upon approval by the municipality's qualified voters in an election and the City Council desires to place before said voters a proposition at the November 8, 2011 uniform election approving the sale of the above-referenced portion of real property; and

WHEREAS, the City Council desires to amend certain provisions of the City's Home-Rule Charter ("Charter") as set forth in this ordinance; and

WHEREAS, the City Council recognizes that said amendments must be approved by the municipality's qualified voters in an election and the City Council desires to include said amendments as separate propositions in the November 8, 2011 uniform election; and

WHEREAS, the Texas Election Code, the Texas Local Gov't Code, and the Charter are applicable to said election and this ordinance establishes procedures consistent with said laws, and designates the polling place for the election; and

WHEREAS, the City has made provision to contract with Collin County to conduct the City's election, pursuant to Chapter 31, Tex. Election Code, and

Chapter 791, Tex. Gov't Code, and such contract provides for political subdivisions subject to the contract that hold elections on the same day in all or part of the same territory to hold a joint election as authorized in Chapter 271, Tex. Election Code; and

WHEREAS, November 8, 2011 is the next uniform election date;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ANNA, TEXAS, THAT:

Section 1. The above-stated recitals are incorporated herein as if set forth in full for all purposes.

Section 2. In accordance with Texas Election Code § 3.004, this ordinance constitutes the City Council's ordering of a November 8, 2011 special election to: (1) propose to voters the sale of park property; and (2) to propose to voters amendments to the City's Charter. Eligible voters include qualified voters residing within the corporate limits of the City of Anna, Texas. The propositions for these items shall be as set forth in this ordinance as follows.

Section 3. The proposed sale of approximately 3.5 acres of park property in Natural Springs Park in Anna, Texas shall be presented for "yes" or "no" vote in the following form:

Proposition 1

"Shall the City of Anna, Texas sell an approximately 3.5 acre portion of Natural Springs Park in exchange for a nearby, similarly situated and sized portion of real property to be used for park purposes as part of Natural Springs Park?"

Section 4. Section 3.01(b) of the Charter is proposed to be amended so that it reads as follows:

"(b) Terms of the Council Members are staggered and the staggering of terms will be initiated as follows:

- (1) in the May 2012 election, voters will elect Council Members for Places 3 and 5, and the Mayor, each for three-year terms;
- (2) the Council Member serving a three-year term for Place 1 that would have expired in May 2012 shall continue to serve in said Place until the May 2013 election;
- (3) in the May 2013 election, voters will elect Council Members for Places 1 and 2, each for three-year terms;

- (4) Council Members serving three-year terms for Places 4, and 6 that would have normally expired in May 2013 shall continue to serve in said Places until the May 2014 election;
- (5) in the May 2014 election, voters will elect Council Members for Places 4, and 6, each for three-year terms; and
- (6) all subsequent regular City Council and Mayoral elections will be for three-year terms."

Section 4.1 The proposed amendment set forth in Section 4 of this ordinance shall be presented for "yes" or "no" vote in the following form:

Proposition 2

"Shall the City of Anna, Texas Home-Rule Charter be amended to extend terms in office of three Council members by one year for the purpose of implementing a new method of staggering terms that will provide for an election every year?"

Section 5. Section 3.05(d) of the Charter is proposed to be amended so that it reads as follows:

"(d) If for any reason a single vacancy or multiple vacancies exist on the City Council, the vacancy must be filled by majority vote of the qualified voters at a special election called for such purpose within 120 days after such vacancy occurs as required by Article XI, Section 11, of the Texas Constitution. The person elected to fill the vacancy serves until the next regular municipal election for that Place on the City Council. If the position of Mayor becomes vacant, then the City Council must—as soon as is practicable after a Mayor is elected to fill the vacancy—elect the positions of Mayor Pro-Tem and Deputy Mayor Pro-Tem."

Section 5.1 The proposed amendment set forth in Section 5 of this ordinance shall be presented for "yes" or "no" vote in the following form:

Proposition 3

"Shall the City of Anna, Texas Home-Rule Charter be amended to remove language referring to qualifications of an appointed Council member due to the fact that such language is obsolete given that three-year Council member terms cannot be filled by appointment under the Texas Constitution?"

Section 6. Section 3.06(10) of the Charter is proposed to be amended so that it reads as follows:

"(10) provide for the establishment and designation of fire limits and prescribe the kind and character of structures or improvements to be erected; provide for the erection of fire-

resistant structures within certain limits; and provide for the abatement of dangerous or dilapidated structures;"

Section 6.1 The proposed amendment set forth in Section 6 of this ordinance shall be presented for "yes" or "no" vote in the following form:

Proposition 4

"Shall the City of Anna, Texas Home-Rule Charter be amended so that it empowers the City Council to provide for fire limits and types of structures and improvements to be erected, require the erection of fire-resistant structures, and provide for the abatement of dangerous or dilapidated structures?"

Section 7. Section 6.09(b) of the Charter is proposed to be amended so that it reads as follows:

- "(b) If a majority of the votes cast at such election are "Yes" votes—that is, vote in favor of recalling the person named on the ballot—the officer is, regardless of any technical defects in the recall petition, deemed removed from office and the vacancy must be filled as provided in this Charter."

Section 7.1 The proposed amendment set forth in Section 7 of this ordinance shall be presented for "yes" or "no" vote in the following form:

Proposition 5

"Shall the City of Anna, Texas Home-Rule Charter be amended to remove language referring to a vacancy in a position resulting from a recall election being filled by appointment by the City Council due to the fact that said language is obsolete given that three-year Council member terms cannot be filled by appointment under the Texas Constitution?"

Section 8. Section 8.01(b) of the Charter is proposed to be amended so that it reads as follows:

- "(b) Individuals who are qualified to vote in Texas elections and who reside in the City or in the City's extraterritorial jurisdiction may be appointed by the City Council to serve on one or more boards, commissions or committees. The City Council must make such appointments in a manner that results in the membership of each board, commission or committee being composed of at least a majority of individuals residing within the City. Appointees must be removed and replaced when necessary to ensure that the membership of each board, commission or committee is composed of at least a majority of individuals residing within the City. Except as otherwise provided in this Charter, such appointees serve at the pleasure of the City Council and may be removed at the discretion of the City Council. Except as otherwise provided in this Charter, members of any such board, commission or committee serve without

compensation but may be reimbursed for actual expenses as approved by the City Council."

Section 8.1 The proposed amendment set forth in Section 8 of this ordinance shall be presented for "yes" or "no" vote in the following form:

Proposition 6

"Shall the City of Anna, Texas Home-Rule Charter be amended to allow persons residing outside City limits but within the City's extraterritorial jurisdiction to serve on City boards, commissions or committees provided that the membership of all such boards, commissions or committees shall at all times be composed of at least a majority of persons residing inside City limits?"

Section 9. Section 9.01(c) of the Charter is proposed to be amended so that it reads as follows:

- "(c) No member may serve on the Commission for more than three completed consecutive terms, exclusive of any unexpired term to which the member may have been appointed to fill due to a vacancy on the Commission. Any vacancy occurring during the unexpired term of a member may be filled by the City Council for the remainder of the unexpired term. In July of each year, or during the Commission's next meeting after July if the Commission does not meet in July, the Commission must elect from its members a Chairman, Vice Chairman, and Secretary to serve for one year beginning in that month. Members of the Commission may be removed, without cause, by an affirmative vote of a majority of the full membership of the City Council."

Section 9.1 The proposed amendment set forth in Section 9 of this ordinance shall be presented for "yes" or "no" vote in the following form:

Proposition 7

"Shall the City of Anna, Texas Home-Rule Charter be amended to allow the Planning & Zoning Commission to annually appoint its Chairman, Vice Chairman and Secretary at its next regular meeting after July if the Commission does not meet in July?"

Section 10. Section 12.09 of the Charter is proposed to be amended so that it reads as follows:

"In case of disaster when a legal quorum of the City Council cannot otherwise be assembled due to multiple disaster-related absences, deaths or injuries, the surviving persons of the City Council, or highest surviving City official if no elected official remains, must within 24 hours of such disaster, request the highest surviving officers of the local Chamber of Commerce and the Board of Trustees of the local school district, and the County Judge of Collin County to appoint a commission to act during the emergency and call a City election within 15 days of such disaster, or as provided in

the Texas Election Code, for election of a required quorum, if for good reasons it is known a quorum of the present City Council will never again meet.”

Section 10.1 The proposed amendment set forth in Section 10 of this ordinance shall be presented for “yes” or “no” vote in the following form:

Proposition 8

“Shall the City of Anna, Texas Home-Rule Charter be amended to clarify that the same measures currently set forth for the appointment of a commission to act for the City if a disaster results in multiple deaths and injuries resulting in the inability to form a legal quorum of City Council members will also be put into place if Council members cannot form a legal quorum due to disaster-related absences.”

Section 11. On November 8, 2011, the polling place will be open from 7 a.m. to 7 p.m. The polling place on Election Day is:

Anna City Hall Administration Building
111 N. Powell Parkway
Anna, Texas 75409

Section 12. The polling place for early voting by personal appearance is the same as the polling place on Election Day. The dates for early voters to cast ballots by personal appearance are as set forth on Exhibit B, attached to this ordinance and incorporated herein for all purposes.

Section 13. Sharon Rowe is designated as the early voting clerk. Qualified voters may mail applications for an early voting mail-in ballot only from September 9, 2011 until the close of business of November 1, 2011. Requests for applications must be mailed to:

Sharon Rowe, CERA
Elections Administrator
2010 Redbud Blvd., Ste 102
McKinney, Texas 75069

Section 14. The method of voting to be used in the special election on Tuesday, November 8, 2011 is touch screen devices with Diebold's ACCUVOTE TS R6v.4.6.4 direct recording devices for early voting and election day and paper ballots for early voting by mail.

Section 15. The City Secretary is ordered to do the following:

- (1) Coordinate with the Collin County Elections Department, Sharon Rowe, Elections Administrator, to hold the November 8, 2011 City of Anna General Election. Ballots or voting machines as set forth in this ordinance and approved by the Texas Secretary of State will be used on Election Day and for early voting; and,
- (2) Provide and publish notice of the elections ordered in this ordinance in accordance with the Texas Election Code.

Section 16. Savings, Severability and Repealing Clauses.

All ordinances of the City in conflict with the provisions of this ordinance are repealed to the extent of that conflict. If any section, subsection, sentence, clause, or phrase of this ordinance, or its application to a particular set of persons or circumstances, is declared invalid or adjudged unconstitutional by a court of competent jurisdiction, it does not affect the remaining portions of this ordinance, as the various portions and provisions of this ordinance are severable. The City Council, declares that it would have passed each and every part of this ordinance notwithstanding the omission of any part that is declared invalid or unconstitutional.

Section 17. Effective Date.

This ordinance shall become effective immediately upon its passage.

PASSED, APPROVED, AND ADOPTED on this 6th day of September, 2011.

ATTESTED:

APPROVED:

City Secretary, Natha Wilkison

Mayor, Darren R. Driskell

November 8, 2011 General Uniform Election Calendar

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
Oct 23	Oct 24 Early Voting 8 am – 5 pm	Oct 25 Early Voting 8 am – 5 pm	Oct 26 Early Voting 8 am – 5 pm	Oct 27 Early Voting 8 am – 5 pm	Oct 28 Early Voting 8 am – 5 pm	Oct 29 Early Voting 8 am – 5 pm
Oct 30	Oct 31 Early Voting 8 am – 5 pm	Nov 1 Early Voting 8 am – 5 pm	Nov 2 Early Voting 8 am – 5 pm	Nov 3 Early Voting 7 am – 7 pm	Nov 4 Early Voting 7 am – 7 pm	Nov 5
Nov 6	Nov 7	Nov 8 Election Day 7 am – 7 pm	Nov 9	Nov 10	Nov 11	Nov 12

Last day to register to vote in this election is October 11, 2011

Sharon Rowe
Elections Administrator
2010 Redbud Blvd, Suite 102
McKinney, Texas 75069

